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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 EDWARD WAYNE WEST, } Case No. 2:22-cv-06649-FMO-JDE
12 Petitioner, }
13 v. } ORDER ACCEPTING REPORT
14 BRIAN BIRKHOLZ, } AND RECOMMENDATION OF
15 Respondent. } UNITED STATES MAGISTRATE
16 JUDGE
17

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file,
19 including the Petition for Writ of Habeas Corpus by Person in Federal Custody
20 Under 28 U.S.C. § 2241 (Dkt. 1 “Petition”) filed by Edward Wayne West
21 (“Petitioner”), the Motion to Dismiss the Petition (Dkt. 9, “Motion”) filed by
22 Respondent, the Opposition to the Motion filed by Petitioner (Dkt. 14), the
23 Report and Recommendation of the United States Magistrate Judge (Dkt. 16,
24 “Report”), and the Objection to the Report filed by Petitioner (Dkt. 19,
25 “Objection”).

26 The Court has engaged in a de novo review of those portions of the R&R
27 to which objections have been made. The Court accepts the findings and
28 recommendation of the Magistrate Judge.

1 IT IS THEREFORE ORDERED that:

2 (1) The Motion (Dkt. 9) is GRANTED; and

3 (2) Judgment shall be entered dismissing this action without
4 prejudice.

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6 Dated: April 10, 2023

7 /s/
8 FERNANDO M. OLGUIN
9 United States District Judge
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